



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application )  
No. 10/728,635 ) For: METHOD AND APPARATUS  
 ) FOR SELECTING A SERVING  
 ) SECTOR IN A DATA  
Attar et al. ) COMMUNICATION SYSTEM  
 )  
Examiner: Nghi H. Ly )  
 )  
Filed: December 5, 2003 ) Group No. 2686

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING REJECTION  
UNDER 37 CFR §1.321(C)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

I, Jian Ma, am the agent of record for this invention. The Assignee, QUALCOMM Incorporated, is located at 5775 Morehouse Drive, San Diego, California 92121-1714.

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: Cris E. Johnson  
(type or print name)

Date: 06/02/2006

Signature: Cris E. Johnson

**FACSIMILE**

- transmitted by facsimile to the Patent and Trademark Office.

Depositor's Name: \_\_\_\_\_  
(type or print name)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

06/06/2006 CNEGA1 00000043 170026 10726635

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## **EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaiming owns is the whole of this invention.

## **RECORDAL OF ASSIGNMENT**

The Assignment was recorded on 09/19/2001, Reel 12182 and Frame 173.

## **DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154-156 and 173 of: United States Patent No. 6,757,520 is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,757,520, this agreement to run with any patent granted on the above identified application and to be binding upon the grantee, its successors or assigns.

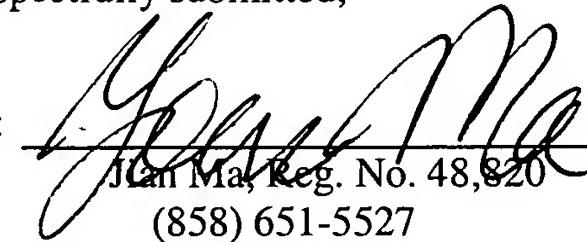
In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the above identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154-156 and 173 of United States Patent No. 6,757,520, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued in any manner or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

**PATENT**

The Commissioner is hereby authorized to charge payment of the Terminal Disclaimer Fee of \$130.00 under 37 CFR § 1.20(d) and any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026. A duplicate of this sheet is enclosed for charge purposes.

Respectfully submitted,

By:



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